

KRAMER LEVIN NAFTALIS  
& FRANKEL LLP  
Kenneth H. Eckstein  
1177 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 715-9100

BROWN RUDNICK LLP  
David J. Molton  
7 Times Square  
New York, NY 10036  
Telephone: (212) 209-4800

GILBERT LLP  
Scott D. Gilbert (admitted *pro hac vice*)  
100 New York Ave, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 772-2200

OTTERBOURG P.C.  
Melanie L. Cyganowski  
230 Park Avenue  
New York, NY 10169  
Telephone: (212) 661-9100

*Attorneys for the Ad Hoc Committee*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

PURDUE PHARMA L.P., *et al.*,

Debtors.

-----X

:

: Chapter 11

:

: Case No. 19-23649 (RDD)

:

: (Jointly Administered)

:

-----X

**MOTION TO EXCEED PAGE LIMIT  
FOR AD HOC COMMITTEE'S STATEMENT IN SUPPORT OF  
DEBTORS' MOTION TO ASSUME PREPETITION  
REIMBURSEMENT AGREEMENT AND REPLY TO OBJECTIONS**

The ad hoc committee of governmental and other contingent litigation claimants (the “Ad Hoc Committee”), which consists of (i) ten States, (ii) the court-appointed Plaintiffs’ Executive Committee (the “PEC”) in the multi-district litigation captioned *In re National Prescription Opiate Litigation*, Case No. 17-md-02804, MDL No. 2804 (N.D. Ohio), (iii) six political subdivisions of States, and (iv) one federally recognized American Indian Tribe hereby files this motion (the “Motion”) seeking entry of an order, substantially in the form attached hereto as **Exhibit 1**, permitting the Ad Hoc Committee to exceed the page limitation set forth in the *Amended Order Establishing Certain Notice Case Management, and Administrative Procedures* [Dkt. No. 342] and this Court’s Chambers Rules with respect to *Ad Hoc Committee’s Statement in Support of Debtors’ Motion to Assume Reimbursement Agreement* (the “Statement”), filed contemporaneously herewith, and respectfully states as follows:

#### **BACKGROUND**

1. On October 29, 2019, Debtors filed the *Motion to Assume the Prepetition Reimbursement Agreement with the Ad Hoc Committee, and to Pay the Fees and Expenses of the Ad Hoc Committee’s Professionals* [Dkt. No. 394] (the “Debtors’ Motion”).
2. On November 12, 2019, the Official Committee of Unsecured Creditors filed a 25-page objection to the Debtors’ Motion (the “Committee Objection”) [Dkt. No. 459] and the Ad Hoc Group of Individual Victims filed a 20-page objection to the Debtors’ Motion (the “Individual Victims’ Objection”) [Dkt. No. 454]. On November 13, 2019, the United States Trustee objected to the Debtors’ Motion, as well (the “Trustee Objection” and, together with the Committee Objection and the Individual Victims’ Objection, the “Objections”) [Dkt. No. 463]. Certain other parties joined in the Objections.

## **JURISDICTION**

3. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper under 28 U.S.C. §§ 1408 and 1409.

## **RELIEF REQUESTED**

4. By this Motion, the Ad Hoc Committee seeks permission for the Statement to exceed – by approximately fifteen pages – the twenty-page limitation (the “**Page Limit**”) set forth in the *Amended Order Establishing Certain Notice Case Management, and Administrative Procedures* [Dkt. No. 342] and this Court’s Chambers’ Rules for reply briefs. *Judge Robert D. Drain: Chambers’ Rules*, U.S. Dist. Court, S.D.N.Y., <http://www.nysb.uscourts.gov/content/judge-robert-d-drain> (last visited Nov. 14, 2019).

## **BASIS FOR RELIEF REQUESTED**

5. The Ad Hoc Committee’s request to exceed the Page Limit is necessary for it to effectively respond to the lengthy Objections, which raise a number of complex legal and factual arguments in opposition to the Debtors’ Motion. While the Ad Hoc Committee understands that the Debtors’ reply to the Motion is forthcoming, given the nature of the relief requested in the Debtors’ Motion and the allegations set forth in the Objections, certain of the Objections require a direct response from the Ad Hoc Committee (which has not yet filed any other papers in connection with the Debtors’ Motion). Without extending the Page Limit, the Ad Hoc Committee will be unable to thoroughly respond to each of the Objections raised.

## **NOTICE**

6. The Ad Hoc Committee will provide notice of this Motion in accordance with the procedures set forth in the *Amended Order Establishing Certain Notice Case Management, and*

*Administrative Procedures* [Dkt. No. 342]. The Ad Hoc Committee submits that no other further notice is necessary.

**NO PRIOR REQUEST**

7. No prior request for the relief sought herein has been made to this Court or any other Court.

**CONCLUSION**

8. The Ad Hoc Committee respectfully requests that this Court enter an order, substantially in the form attached hereto as **Exhibit 1**, granting the relief sought herein and granting such other and further relief as may be just and proper.

Dated: November 15, 2019

Respectfully submitted,

*/s/ Kenneth H. Eckstein*

Kenneth H. Eckstein  
KRAMER LEVIN NAFTALIS & FRANKEL LLP  
1177 Avenue of the Americas  
New York, NY 10036  
Telephone: (212) 715-9100  
Email: keckstein@kramerlevin.com

David J. Molton  
BROWN RUDNICK LLP  
7 Times Square  
New York, NY 10036  
Telephone: (212) 209-4800  
Email: dmolton@brownrudnick.com

Scott D. Gilbert (admitted *pro hac vice*)  
GILBERT LLP  
100 New York Ave, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 772-2200  
Email: [gilberts@gilberlegal.com](mailto:gilberts@gilberlegal.com)

Melanie L. Cyganowski  
OTTERBOURG P.C.  
230 Park Avenue  
New York, NY 10169  
Telephone: (212) 661-9100  
Email: [mcyganowski@otterbourg.com](mailto:mcyganowski@otterbourg.com)

*Attorneys for the Ad Hoc Committee*

**Exhibit 1**

**Proposed Order**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re: : Chapter 11  
: Case No. 19-23649 (RDD)  
PURDUE PHARMA L.P., *et al.*, :  
Debtors. : (Jointly Administered)  
----- X

**PROPOSED ORDER GRANTING MOTION TO EXCEED PAGE LIMIT FOR AD HOC  
COMMITTEE'S STATEMENT IN SUPPORT OF DEBTORS' MOTION TO ASSUME  
PREPETITION REIMBURSEMENT AGREEMENT AND REPLY TO OBJECTIONS**

Upon the motion (the “Motion”)<sup>1</sup> of the ad hoc committee of governmental and other contingent litigation claimants (the “Ad Hoc Committee”) for entry of an order (this “Order”) to exceed the Page Limit in the *Ad Hoc Committee’s Statement in Support of Debtors’ Motion to Assume Reimbursement Agreement and Reply to Objections* (the “Statement”), filed contemporaneously herewith; the Court having reviewed the Motion; and the Court having found that the Court has jurisdiction over this matter as per 28 U.S.C. §§ 157 and 1334, that this is a core proceeding under 28 U.S.C. § 157(b), and that notice of the Motion was sufficient under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion is granted as set forth herein.
2. The Statement may exceed the Page Limit by fifteen pages.

---

<sup>1</sup> Capitalized terms used herein but not otherwise defined shall have the meaning ascribed to them in the Motion.

3. The Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: \_\_\_\_\_, 2019  
White Plains, New York

---

THE HONORABLE ROBERT D. DRAIN  
UNITED STATES BANKRUPTCY JUDGE